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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,618	02/15/2002	Alexander J. Feigl	AFEI:002US 10006443	2880
			EXAMINER	
			EREZO, DARWIN P	
			ART UNIT	PAPER NUMBER
			3731	
DATE MAILED: 09/14/2005				

7590 09/14/2005

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,618

Applicant(s)

FEIGL, ALEXANDER J.

Examiner

Darwin P. Erez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,31-41 and 64-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,31-41 and 64-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 65-69 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 65-69 are dependent off claim 1 and recites the exact same limitations of claims 2-6.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, 31-41 and 64-69 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,024,747 to Kontos.

(claims 1 and 31) Kontos teaches a medical device, as shown in the attached Fig. 55, comprising a body; a lumen extending from a first lumen opening formed in the body to a second lumen opening formed in the body, the lumen being substantially centered within the body; a first needle guide channel extending from a first needle guide channel opening formed in the body to a second needle guide channel formed in the body; and a needle **137** connected to a length of suture and backloaded into the first needle guide channel, the suture

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being threaded through the lumen such that when the length of suture is pulled in a first direction, the needle will be advanced out of the first needle guide channel in a second direction. With regards to the positive and negative longitudinal components, the device of Kontos will inherently have a positive or negative longitudinal component since determining the component is merely dependent upon how the spatial relationship is determined by the user. Therefore, the recited limitation of the longitudinal components is merely a relative limitation.

(claims 2, 32 and 65) wherein the needle guide channel is arcuate shaped (see Figure below).

(claims 3-5, 33-35 and 66-68) wherein the device further comprises a handle that is coupled to the body by a connector piece, wherein the connector piece is bendable (see Figure below, the connector recited below is bendable because Kontos teaches the device as being flexible for all embodiments).

(claims 6, 36 and 69) wherein a portion of the body is tapered (see Figure below).

(claims 7 and 37) wherein the device further comprises one more additional needle guide channels, each having its own opening; wherein pulling the suture will advance each needle from its backloaded position (see Figure below).

(claims 8, 9, 38 and 39) wherein all needle guide channels are arcuate.

(claims 10, 11, 40 and 41) wherein the needle guide channels are circumferentially positioned around the body and equidistant from each other, as shown in the figure below.

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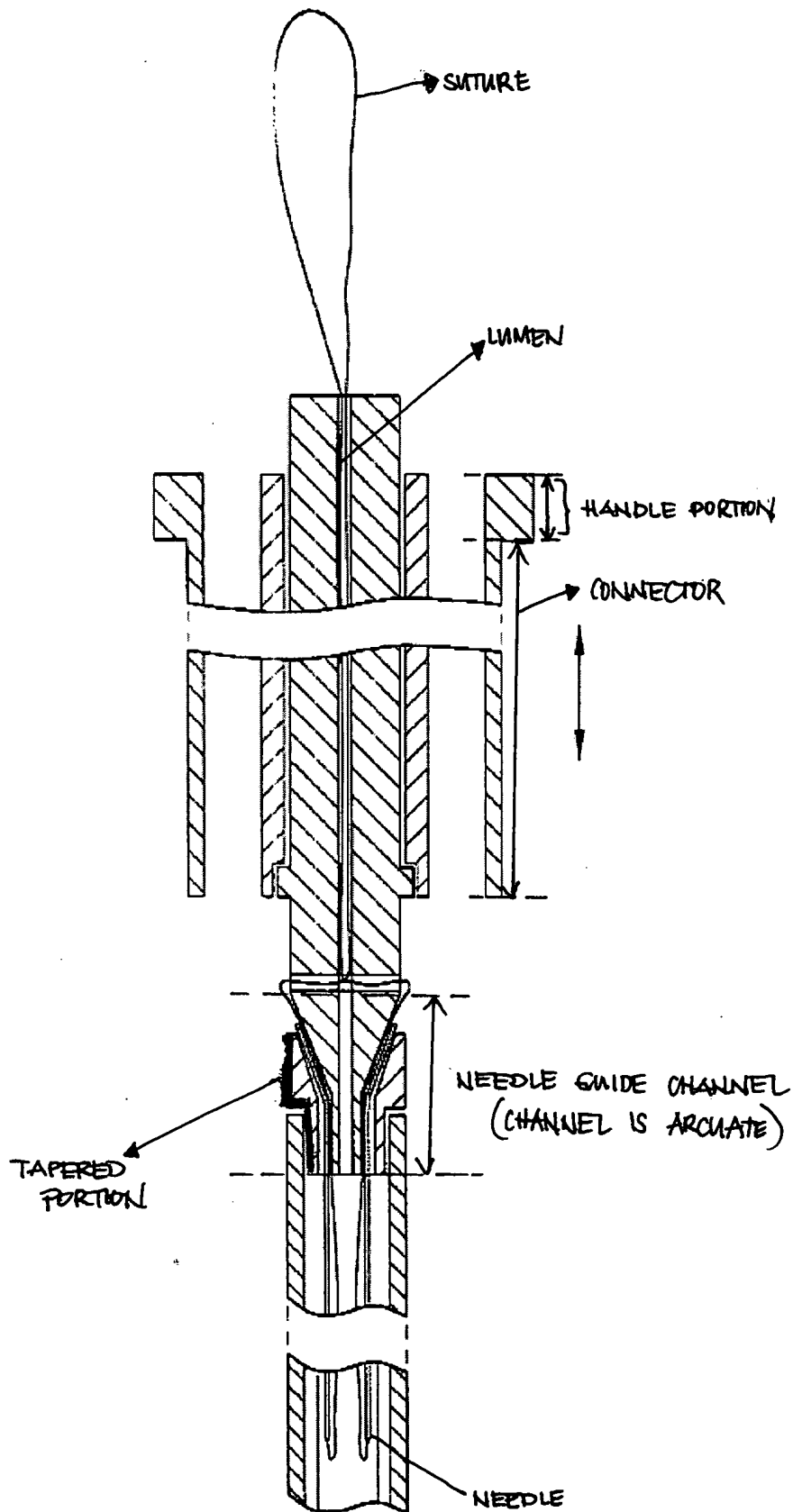


Fig. 54

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Response to Arguments

4. Applicant's arguments, see Remarks, filed 7/1/05, with respect to the rejection(s) of claim(s) 1-11, 31-41 and 64-69 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6,024,747 to Kontos.

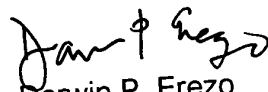
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez who whose telephone number is (571) 272-4695. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Darwin P. Erez
Examiner
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